

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Prior to the present amendment, claims 1-4 and 27 were pending and under consideration. By the present amendment, claims 1 and 27 are amended to more specifically recite certain aspects of the invention. Support for these amendments may be found throughout the specification and claims as originally filed, and it is urged that the amendments do not constitute new matter. It should also be noted that the above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, and 27 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Atrache *et al.* The Action alleges that Atrache *et al.* teach a method involving incubating a microorganism in a nutrient broth in the presence of an antibody, which is interpreted to be a structure modifying organic chemical.

Claims 1-4 and 27 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Marino *et al.* Specifically, the Action alleges that Marino *et al.* teaches incubating microorganisms in growth medium and 1 mM 2,4-dinitrophenol.

Claims 1-4 and 27 stand similarly rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Ohyama *et al.* The Action alleges that Ohyama *et al.* disclose incubating microorganisms in growth medium in the presence of carbonyl cyanide-m-chlorophenyl hydrazone.

Applicants respectfully traverse these bases of rejection and submit that none of the cited references anticipate the presently claimed invention. Applicants note that for a prior art reference to anticipate a claim, it must disclose each feature of the claimed invention. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants submit that the present invention is drawn to inventive compositions and methods for incubating microorganisms to expose antigenic epitopes thereupon, thus permitting detection agents

increased accessibility to and facilitating detection of the microorganisms. While not acquiescing to the above rejections, Applicants submit that claims 1 and 4, have been amended to recite the feature that the media comprise a detergent. Support for this amendment is provided throughout the application as filed, including, *e.g.*, on page 11, lines 30-31. Applicants note that neither Atrache *et al.*, Marino *et al.*, nor Ohyama *et al.* describe a media comprising a detergent. Since none of the cited references describe this feature of the claimed invention, Applicants submit that none of the references anticipate the claimed invention. Furthermore, Applicants note that the claimed composition contemplates the use of media comprising a structure modifying organic chemical in solution, whereas the method described by Atrache *et al.* is limited to the use of antibodies that are adsorbed onto a solid support. In light of the above amendments and remarks, Applicants respectfully request that these bases of rejection be reconsidered and withdrawn.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all of the claims remaining in the application are allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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